

Cont
special game information concerning a state of progress of said
B6 special game.

IN THE DRAWINGS:

Please make the change marked in red on the sheet of drawings attached to the accompanying Letter to the Official Draftsperson.

REMARKS

These remarks follow the order of the detailed Office Action beginning at page 2 thereof.

Claims 1 - 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Slomiany '098 in view of Shimizu '970. Applicant respectfully traverses the rejection of each claim for the reasons which follow.

Before discussing each claim individually, Applicant wishes to point out the following major issues raised by this rejection.

First, in the rejection the Examiner while pointing to each reference as well as the alleged common knowledge of stop and start buttons for reels in a slot machine, has failed to discuss how the references when combined together posses the necessary teachings or suggestions for the combination claimed. The Examiner argues only the one would be motivated to combine the references in order to provide improved communication and information to the user of the game (see bottom of page 3). The Examiner does not discuss how the use of the claimed stopping device or stopping switches, which are

operable by the player, are found to be obvious to cooperate with the other elements of the claims.

The Independent Claims and
Claims Including a Stop Switch

Applicant's claims must be read as a whole as required by 35 U.S.C. § 103. For example, claim 1, when read as a whole, requires a stopping device operable by the player for stopping the symbols. Next, the claim requires that when on condition of the combination of symbols displayed constitutes a predetermined special winning mode the player are allowed to stop playing a special game, and finally , the image display section for displaying special game information. By these three steps taken in combination, or as a whole as the statute requires, it is seen that the stopping device controls the combination of symbols which in turn controls the use of the image display for displaying special game information as set forth in claim 1. Stated another way, the stopping device is used to gain entry into special game, and the image display section, therefore, is functionally directly related to the stopping device which determines the combinations of symbols.

In the rejection, the Examiner has correctly recognized that there is no reference which shows a bonus machine operation in combination with a stopping device (switch) further in combination with the image display device for the display of special game (big bonus) information. Applicant agrees that the use of stop buttons in various forms is established in the slot machine art. However, Applicant disagrees that the use of stop machine buttons to control

the stop to in turn control the entry into a special winning mode, and finally to activate the image display section for displaying special game information is not taught by the art of record.

In Applicant's specification, at pages 1 - 13 in the description of the prior art, Applicant points to the short comings of the prior art in providing the proper interaction between the player and the machine in order to achieve full player interest and engagement in the play of the game. Here, it can be seen that there is an outlined definite relationship between the use of the stop buttons or switches and the information being fed back to the player while playing. Next, Applicant's specification beginning at page 48 and continuing through page 62 describes the specific functions claimed which even the Examiner acknowledges are not present in the prior art, such as the failure of '098 to disclose game history, game directions and indication errors.

Applicant upon review of Shimizu '970 has noted that the buttons (32, 33, 34, 35) are used for control of the auxiliary screen, or special screen (31). However, Shimizu teaches that the functions on this screen are not directly related to the progress of the game displayed on the main display device (7). Note, the device (7) contains the reels or the variable display section which Applicant claims in the first paragraph of claim 1. '970 specifically teaches that operation buttons (21 - 24) are for control of the main display device (7). However, progress of the game is not effected by operations of the operation buttons (32 - 35) (see Shimizu, column 7, lines 1 - 13).

Therefore, Shimizu, while teaching a special screen, does not place the special screen under control of a stopping device or stop switch as claimed by Applicant. Next, Shimizu does not enter into a special game or big bonus game as the Examiner acknowledges. Shimizu is simply not a bonus machine, as well as possesses no stops.

As the Examiner must recognize, this is the slot machine art which depends upon bells, whistles, and other clever features to attract and hold the attention of a player. The longer the attention of the player is held, the greater the profitability of the machine should be for the gaming parlor. Therefore, any advance in the slot machine art which provides for improved player interaction with the machine, and encouragement of the player is always sought after. This is outlined in the forward part of Applicant's specification and, since the specification is a sworn statement before the Patent Office, the specification operates to provide evidence of nonobviousness. On the other hand, the Examiner has not explained how one of ordinary skill in the art would observe the features found in both '970 and '098, as well as the existence of stop switches to arrive at Applicant's claimed invention. As noted above, the Examiner simply has not shown within the references why one would select a machine lacking stop buttons, combine it with another machine lacking stop buttons and big bonus, and then further search out stop buttons to arrive at Applicant's invention. As noted above, Applicant's claims must be read as a whole, and there is a relationship in the claims between

the stop buttons, entry into big bonus, and the image display as set forth in claim 1 and in greater detail in other claims.

In this Office Action the Examiner has, based upon Applicant's claims, reviewed the art and selected those portions of the art which include various elements of Applicant's claims. This, of course, is the accepted and rational way of identifying prior art which may be relevant to patentability. However, once prior art is selected, such as in this case, '098, '970, and the observations that stop and start buttons for reels are known in the art, the task does not end there. The Examiner must go further and show that within the teachings of the references selected, there is some suggestion or teaching which would suggest to one of ordinary skill in the art the invention claimed, see in re Sernaker 217 USPQ 1 and Stratoflex Inc. v. Aeroquip Corp. 218 USPQ 817. Applicant respectfully submits that it is the second step of showing where the references teach or suggest that this Office Action is erroneous and, therefore, should be reconsidered. Merely selecting the elements in the art does not lead to Applicant's specific claim combination. Stated another way, the slot machine art is replete with various displays, games, big bonus, jackpot games, and winning modes as well as stopping and starting devices for the reels. However, the art does not teach how one can select different permutations and combinations of these known elements to achieve different combinations which are new to the art. Here, in Applicant's claims, there are different permutations and combinations of slot machine elements which, taken as a whole,

simply are not taught or suggested by the art. The Examiner's argument with respect to motivation, beginning at page 3, line 5 up from the bottom, relates to improved communication and information and use of a plurality of screens. However, the Examiner does not address the specific issues raised in these claims, such as the state of progress, the history, etc.

Motivation

The Examiner at page 3, lines 1 to 5 up from the bottom argues that those skilled in the art would be motivated by well known reasons why everyone wants to build a slot machine which is more profitable. Applicant also teaches similar motivation in this specification. Given this motivation, all slot machine advances should have already been made because the elements to combine are generally known. Given the Examiner's philosophy on combination and this art and this Office Action, nothing remains to be patentable in slot machines.

Claim 1

Claim 1 has five elements which must be considered as a whole. As pointed out above, the stopping device cooperates with the stopping of the variable display to achieve a special winning mode which in turn causes the image display section to display information regarding the special game achieved. The special game achieved is a result of the use of the stop button device. It is this interrelationship which is not demonstrated in the Examiner's analysis. The Examiner does not explain how it becomes obvious to use stop buttons in '098 and '970, neither of which includes a

stopping device operable by the player for stopping symbols. Instead, '970 while having a stopping device does not use the stopping device for control of the game. The functions of buttons (32 - 34) is not for control of the game, but for the display device itself. The operation of the progress of the game is simply not affected by the operations of buttons (32 -34) (see column 7, line 9 - 12 of '970). The Examiner agrees that the functions are not directly relevant to the progress of the game displayed on the main device and these buttons do not effect progress of the game (see Office Action page 3, lines 6 - 9).

This, Applicant contends, is a teaching away of the use of the stopping device for stopping the symbols displayed. Therefore, the rejection is respectfully traversed.

Claim 2

Claim 2 specifies that the starting device of claim 1 is a start switch, that the stopping device is a stop switch for individually stopping reels and that unit of value information is displayed if a combination of symbols displayed once a plurality of reels stopped constitutes a predetermined stop mode. These additional definitions of the terms set forth in claim 1 simply are not suggested in the entire combination when claim 2 is read as a whole. It is clear from claim 2 that the unit of value information is a direct result of the action of the stop switch, and cannot be considered as a claim element standing by itself without its relationship to the rest of the claims, as the Examiner would apparently argue.

Claim 3

This claim requires that the special game information concern a state of progress of the special game. In contrast, '970 at column 6, line 47 to column 7, line 13 states that the sub-display at (31) and buttons (32-34) are not directly related to the progress of the game displayed at the device (7) (column 7, lines 6 -13). There is no relation to a regular game, much less a Big Bonus or "special game."

The Examiner did not find this limitation and instead at page 3 found that the functions of Shimizu are not directly relevant to the progress of the game displayed. The Examiner then argued that it would be obvious to one of skill in the art that the multitude of information could be contained under the heading of the game specification. The Examiner, however, did not address the state of progress limitation found in claim 3. Still further, the Examiner in the rejected claim 3 has in essence created a four-way rejection, by stating what could be contained under the heading of "game specification" including instructions. The Examiner, however, simply did not explain how state of progress is found in the art, or how he would find teachings in the art which would allow use of this display in combination with the requirements of claim 1.

Claim 4

Claim 4 relates to game history of provision of value. It is believed that the portion of the Office Action relating to this claim is found at page 3, lines 14 - 18. The Examiner, however,

does not cite in the references the specific history of provision of value of the game in progress (see antecedent of game) information provided as promptly as claimed. The only mention of history in Shimizu '970 which is apparently relied upon by the Examiner, at page 3, beginning at line 11 is at Shimizu's column 9, line 56. However, Shimizu does not specify what history is referred to. It certainly does not indicate that it is the history of provision of value information as profit for the player in the special game. Applicant relates the history to the special game, not some other history of the machine.

Claim 5

See discussion with respect to claim 4.

Claim 6

Claim 6 relates to display of information concerning a gaming mode while in the special game referred to in claim 1. Since '098 is the only reference which includes bonus game, the question becomes whether '098 has game information concerning the game mode in special game. Instead, the Examiner apparently relies upon Shimizu '970 for display of game information. Therefore, the Examiner does not explain why it would be obvious to use display of game information selected from Shimizu in combination with the big bonus or bonus game found in Slomiany '098 further in combination with a stopping device for controlling entry into the special winning mode to achieve the combination set forth in claim 6.

Claim 7

Claim 7 further includes with the starting device an input of predetermined bet information as a actuating condition and, secondly, special game information which includes maximum permissible input unit of bet information in the special game. Applicant has reviewed the rejection and references and has failed to find reference to the starting device using an input of determined bet information as an actuating condition in combination with a display of special game information concerning maximum permissible input unit of bet information in the special game. The Office Action is silent on these limitations. These limitations in combination with the limitations of claim 1, as previously discussed, provide additional elements which must be considered as a whole in order to determine obviousness of claim 7. It is respectfully submitted that the references taken in combination does not even suggest the limitations of claim 7.

Claim 8

Claim 8 requires that the information displayed be that the special game is over. The Examiner has not addressed this limitation, but apparently would include this rejection in the statement found at page 3 beginning at line 14 and continuing through line 18 as well as the statement at page 3, beginning at line 8 and continuing through line 11. Applicant respectfully submits that such broad references to what the Examiner would deem to be obvious without teachings or suggestions in the prior art is

insufficient to make out a *prima facie* case against the specific language of the claims at issue.

Claim 9

Claim 9 relates to a separate indicating section for special game information. Applicant agrees that a special section is provided as section (31) in Shimizu '970. However, Shimizu lacks both the elements of a special game (big bonus) and the elements of stops. The mere presence of a separate section in the prior art does not suggest the entire claimed combination without additional teachings or reasons to combine references.

Claim 10

Claim 10 requires information to be displayed while the game is in a normal game. This claim requires a machine which is capable of both special game and normal game. '098 has special and normal game capability. '098, on the other hand, discusses and discloses information disclosure with respect to big bonus, but does not in any way state how this information would also be used in connection with a normal game. The Office Action does not address this dual capability issue raised by claim 10.

Claims 11, 12 and 13

These three claims require that the special game information be set forth in a moving image format. This limitation was not addressed by the Examiner, and review of the reference relied upon does not disclose such a moving image as claimed.

Claim 14

Claim 14 is similar to claim 1 except that the information displayed is game information, not special game information, and that there be a history provision of value information provided as a profit to the player. This means profit to the player playing, not to other players or history of profit of the machine. The Examiner has not discussed the profit feature at all in the rejection. On the other hand, '970 in column 8 discusses a money counter. However, this is money left in the machine which can be money accumulated from profits or money placed in the machine less losses. It is respectfully submitted that the references of record do not get into the game profit feature at all. Therefore, the rejection simply lacks this element. The Examiner has not explained why it would be obvious to one of ordinary skill in the art based upon the teachings of the references relied upon to include the profit made by the player.

Claim 15

Claim 15 is essentially the same as claim 2 except that it depends from claim 14. This claim differs from claim 14 for the same reason claim 2 differs from claim 1. It is respectfully submitted that the Examiner has not demonstrated how the references teach the combination of a stop switch, and information of unit value as claimed.

Claim 16

Claim 16 differs from claim 1 in that it does not require that the image display section be for special game information. On the

other hand, claim 16 requires that the information concerning "a winning history." The Examiner has not mentioned "winning history" in the rejection as such. Instead, the Examiner has relied upon the word "history" found in column 9 of '970. This in turn relates to Figure 9A which relates to what appears to be machine history which will allow a player to guess frequency of wins or degree of payout with respect to future play as discussed at column 9, lines 55 - 58. On the other hand, claim 16 places the display of winning history in combination with the requirements of a stopping device which controls the stopping of symbols to achieve a game more advantageous, still further, in combination with the section for displaying the game information. Here the Examiner should note that '970 simply does not disclose the presence of a game more advantageous like big bonus. Still further, none of the cited references show that one may combine everything with the stopping device in order to provide the complete claimed combination. The Examiner has not explained how the references would teach or suggest the entire claimed combination.

Claim 17

Claim 17 is essentially the same as claim 2, but is dependent from claim 16. Therefore, the considerations and discussion with respect to claim 2 must as compared to claim 1 be taken into account with respect to claim 16 and how it relates to the entire combination as set forth in claim 16 plus claim 17. The rejection is traversed for the reasons given with respect to claim 2.

Claim 18

Claim 18 is similar to claim 1, however, the image display section is for explanation of an operation of a game, not a special game information. Claim 18 would permit display of game operation in both modes. The Examiner concedes that there is no disclosure of instructions for playing the game in the references. However, the Examiner would argue that such would be obvious because providing instructions for a user of a game is not uncommon (see page 3, lines 10 and 11). The Examiner cites no reference for this additional art. Therefore, the rejection is at least a three way rejection under 35 U.S.C. § 103, and the rejection lacks any explanation of why there are teachings or suggestions or reasons for one of ordinary skill in the art to combine the two cited references with unknown prior art relating to what is "not uncommon." For this reason, the rejection is respectfully traversed.

Claim 19

Claim 19 essentially tracks claim 2, but is dependent from claim 18. Claim 19, therefore, should be considered along with the discussion of claim 2 and claim 18.

Claim 20

Claim 20 includes the stopping device, stopping at a special winning mode, an image display section for displaying game information and display of an indication of an error of said gaming machine. Therefore, the error may be of either the special game or the normal game. The entire combination, therefore, by setting

forth stopping when a predetermined special mode is achieved sets forth error in normal game and a winning mode.

'970 discusses error display in column 9, line 60 to column 10, line 11. First, it should be noted that '970 is not a big bonus or special game machine, includes no stopping device as set forth in claim 20. Therefore, there must be some teaching or suggestion as to why one would combine these normal game features into a special game machine. It is respectfully submitted that the Examiner has not shown in this rejection any reasons or suggestions to be found within the references as to why one would do this. Here it should be noted that the error display is found in sub-display device (31).

Claim 21

Claim 21 is essentially the same as claim 2, but dependent from claim 20. The discussion of claim 2 in combination with the discussion of claim 20 demonstrates why claim 21 is clearly not suggested by the art of record.

Claim 22

Claim 22 is the same as claim 1 except that it is stated in a means plus function terminology. Therefore, claim 22 has a different scope than claim 1 because claim 22 is limited to the means disclosed in Applicant's specification and reasonable equivalents thereof. This difference between claim 1 and claim 22 has not been discussed at all in the outstanding Office Action, and for this reason, Applicant cannot discern what the basis for the

rejection is because the Examiner did not consider the apparatus disclosed.

New Claims

New claims 23 - 27 are similar to originally presented claim 3. These claims require that the special game information concern a state of progress of the special game. In contrast, '970 at column 6, line 47 to column 7, line 13 states that the sub-display at (31) and buttons (32-34) are not directly related to the progress of the game displayed at the device (7) (column 7, lines 6 -13). There is no relation to a regular game, much less a Big Bonus or "special game."

The Examiner did not find this limitation and instead at page 3 found that the functions of Shimizu are not directly relevant to the progress of the game displayed. The Examiner then argued that it would be obvious to one of skill in the art that the multitude of information could be contained under the heading of the game specification. The Examiner, however, did not address the state of progress limitation found in claim 3. Still further, the Examiner in the rejected claim 3 has in essence created a four-way rejection, by stating what could be contained under the heading of "game specification" including instructions. The Examiner, however, simply did not explain how state of progress is found in the art, or how he would find teachings in the art which would allow use of this display in combination with the requirements of claim 1.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with Marking to Show Changes Made."

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action in accordance thereof is requested. In the event there is any reason why the application cannot be allowed in this current condition, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems by Interview or Examiner's Amendment.

Respectfully submitted,



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Date: September 27, 2001

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VERSION WITH MARKINGS TO SHOW CHANGES MADEIn the Specification:

The paragraph beginning at line 16 of page 68 has been amended as follows:

--The flash [date] data selecting random number value is selected from 256 random number values from 0 to 255.--

The paragraph beginning at line 25 of page 70 has been amended as follows:

--In a specific example, as shown in Fig.23, in the flash data table "9," when the flash data selecting random number is 25, "no" for the winning definition data, "game-starting sound 1," and reel blinking pattern "4" are selected. In the flash data table "0," when the flash data selecting random number is [255] 225, "no" for the winning definition data, "game-starting sound 1," and "no" for the reel blinking pattern are selected.--

The paragraph beginning at line 5 of page 79 has been amended as follows:

--When there are definition data according to the command concerning definition data transmitted from the main control board 100, as shown in Fig. [28] 21, a ready-state attraction data selection table group for the case with definition data is selected (S501), and it is further determined whether the command concerning the game-starting sound transmitted from the main control board 100

indicates game-starting sound 1 or not (S502). If game-starting sound 1 is indicated, then the ready-state attraction data selection table for the case with definition data (starting sound 1) is selected (S503). If game-starting sound 2 is indicated, then the ready-state attraction data selection table for the case with definition data (starting sound 2) is selected (S504).--

The paragraph beginning at line 21 of page 79 has been amended as follows:

--Figs. 35 to 40 show the ready-state attraction data selection table groups used in the above-mentioned ready-state attraction (ready-state attraction noticing symbol) selecting process (S11), which are constituted by three kinds of ready-state attraction data selection table groups, i.e., the ready-state attraction data selection table group for normal game ([Figs. 42 and 43] Figs. 35 and 36), the ready-state attraction data selection table group for internally elected bonus hand ([Figs. 44 and 45] Figs. 37 and 38) and the ready-state attraction data selection table group for the case with definition data ([Figs. 46 and 47] Figs. 39 and 40). Further, each data table group is composed of two kinds of data tables for starting sound 1 and starting sound 2, respectively.--

The paragraph beginning at line 13 of page 109 has been amended as follows:

--In the losing attraction in the first JAC game, the leading character and a monster 1 oppose each other, and the number of games in the JAC game is displayed (Figs 245 and 246). Subsequently, the leading character stores energy, and throws an energy ball at the monster 1 ([Figs. 247 and 278] Figs. 247 and 248). Then, the energy ball misses the monster 1 with a large margin, letters of "MISS" are displayed, and the leading character falls down, so as to indicate that it is a miss (Figs 249 and 250).

In the Claims:

New claims 23 - 27 have been added.